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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,939	01/16/2001	Everett Arthur Corl JR.	RAL920000090US1	5563
25299	7590	02/03/2005		
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER FILIPCZYK, MARCIN R	
			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/761,939

Applicant(s)

CORL ET AL.

Examiner

Marc R Filipczyk

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-- Th MAILING DATE of this communication app ars on th cover sh et with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment

This Action is responsive to Applicant's response filed June 4, 2004 in which claims 1-5 are pending, claims 6-25 are canceled and new claims 26 and 27 are submitted, hence, claims 1-5, 26 and 27 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Irwin (U.S. Patent No. 6,052,683).

Regarding claim 1, Irwin discloses a system and method comprising:

providing a database of rules; (fig. 5 and col. 1, lines 24-29)

applying an algorithm to the database to identify Almost-Exact rules and Other rules;
(abstract, especially lines 7 and 10)

partitioning the database so that the Almost-Exact rules are grouped into one or more groups; (fig. 5, section 1 and col. 7, lines 9-15) and,

partitioning the database so that the Other rules are grouped in at least one separate group (fig. 5, section 2, and col. 7, lines 14-18).

(Note: section 1 and section 2 are partitioned data (packet data) in a database)

Regarding claim 2, Irwin discloses a step of using search algorithm to test data with the Almost-Exact rules in the group (fig. 6, items 62 and 66).

Regarding claim 3, further includes a step of using algorithm to test packets with the Other rules in the separate group (fig. 6, items 62 and 64).

Regarding claim 4, further includes the step of using a Content-Addressable Memory (CAM) to test packets with the other rules in the separate group (fig. 6, item 64).

Regarding claim 5, further includes the database of rules is being partitioned as a function of fields (fig. 5, item 78, section 1 and section 2).

Regarding claim 26, Irwin discloses the Almost Exact Rules include a range of values on only one sub-field (col. 7, lines 7-9).

Regarding claim 27, Irwin discloses one of the Almost-Exact Rules includes a wild card in only one component (col. 8, lines 21 and 22).

Response to Arguments

Applicant's arguments filed on June 4, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed below.

On page 8 of the 6/4/04 response, Applicants argue that “claims in Group IV have no other utility other than to implement the method set forth in claims 19-25.”

Examiner disagrees. For sake of clarity of argument, Applicants appear to mean claims of Group III have no other utility other than to implement the method of claims 19-25. This argument is moot because Group I (claims 1-5) has been elected and claims of Groups III and IV are non-elected and are canceled. Second, Examiner restates that the subject matter in claims of Groups III and IV is distinct, as such, the Restriction was appropriate.

On page 10 of the 6/4/04 response, regarding claim 1 Applicants argue that “the reference teaches about partitioning the destination address and not the database as is required by the claim” and further, that “the database has to be partitioned into almost exact rules and others” which is not in the reference.

Examiner disagrees. It appears that the Applicants have misunderstood the Irwin system. Irwin discloses a partitioning system in which a **packet of data in a database** is searched and partitioned (see abstract, col. 1, lines 24-29 and fig. 5). Database is a file of data accessible by a computer which is the same as a packet of data in a database. The two sections in figure 5 clearly illustrate how the partitioned data is kept in two distinct sections. For more details see rejection.

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On page 10 of the 6/4/04 response, Applicants argue that claims 2 and 3 require the test of packet be done using FMS and SMT algorithms, not taught by Irwin.

Examiner disagrees. In response to Applicants argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific function of FMS and SMT algorithms) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Irwin discloses at least two algorithms to test the packet of data (col. 2, lines 39-55). For more details see rejection.

No other matters have been raised.

With respect to all the pending claims 1-5, 26 and 27, Examiner respectfully traverses Applicant's assertion based on the discussion and rejections cited above.

Conclusion

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112, objections and the like) set forth by the Examiner, that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
January 26, 2005

